

No Gun Ri Incident:

Implications for the U.S. Army

A Monograph
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TABLE OF CONTENTS

TABLE OF CONTENTS.....	1
ABSTRACT	ii
INTRODUCTION	1
THE BALANGIGA INCIDENT	5
Analysis.....	9
NO GUN RI	17
Analysis.....	21
MY LAI.....	28
Analysis.....	31
IMPLICATION	38
ENDNOTES.....	43
BIBLIOGRAPHY	48

ABSTRACT

PREPARING A SAMS MONOGRAPH by MAJOR Moo Bong, RYOO, ROKA, #53

This monograph analyzes the common cause of the three incidents, Balangiga, No Gun Ri, and My Lai and discusses implications for the U.S. Army to prevent such incidents from recurring.

The Balangiga incident took place in the last quarter of 1901, in Samar Island, the Philippines. The No Gun Ri incident happened between July 25 and 29, 1950 during the Korean War in the vicinity of No Gun Ri. The My Lai incident occurred between March 16 and 17, 1968, in Vietnam. In all three cases, the U.S. forces were involved in killing a large number of noncombatants.

The monograph identifies three common elements that contributed to the cause of those incidents.

First, in all three cases, the U.S. forces were not prepared to fight the enemy in an environment where the line between combatant and non-combatant is blurred. Understanding the U.S. forces' conventional fighting capabilities, the adversaries employed asymmetric means to negate their weakness, which was guerrilla type or unconventional warfare. On the other hand, the U.S. forces tried to confront the enemy in a conventional way. Second, in all three cases, the command climates motivated the soldiers to commit the wrongdoing. Some indicators that contributed in forming negative command climate include: dehumanization of the local populations, shared desire for revenge among soldiers and breakdown of small unit leadership. Lastly, the U.S. civilian and military leadership did not take proper disciplinary measures when the incidents had taken place. They did not punish soldiers for their wrongdoing and commanders for their command criminal responsibility according to the law.

In the information age, the consequences of killing noncombatants extend far from the center. Ill-discipline on the battlefield will damage the legitimacy of the mission, and may ultimately result in losing a war by a shift in public opinion towards opposition from involvement in a war. Therefore, it is paramount importance for the U.S. Army to prevent its soldiers from killing the noncombatants.

To prevent the second No Gun Ri from happening, the U.S. Army has to prepare to operate in an environment where noncombatants present challenges for the U.S. Army. A commander needs to establish a positive command climate by continually emphasizing on doing the right things. He or she also needs to identify indicators that may signal a negative command climate and take preventive measures to prevent a tragedy from happening. Lastly, the U.S. military and civilian leadership should punish its soldiers according to the law, not according to the political scale if they violated the law. In that way, the U.S. forces can claim the legitimacy of the mission. It will also set the example for the soldiers.

CHAPTER ONE

INTRODUCTION

The end of the Cold War did not produce the much anticipated peace and prosperity throughout the world. Instead, it created the confusion, instability and conflict that the noted author Robert Kaplan predicted in his book, *The Coming Anarchy*. Kaplan foresaw a world in which instability would be the status quo because of disease, over-population, rampant crime, scarce resources, refugee migrations, erosion of nation-states, drug cartels, and the use of private armies.¹ Kaplan proved prescient as the U.S. government has committed its army to Somalia, Bosnia and Kosovo in the last decade in an effort stabilize crisis situations . The US Army is expected to continue to be involved in various scale conflicts to shape the international environment in ways that promote and protect US national interest, to respond to the full spectrum of crisis, and to prepare for an uncertain future.²

Whenever the U.S. government orders its army to a crisis, it will likely have to deal with the non-combatants in its area of operation (AO). In the annals of human history, noncombatants have suffered while governments and militaries attempt to impose their will on each other. Recent examples include events in Somalia, Rwanda, Bosnia, Kosovo and Chechnya. Although the examples involve foreign governments and militaries, the U.S. Army has also engendered death and injury to non-combatants at Balangiga, Philippines, 1901; No Gun Ri, Korea, 1950; and My Lai, Vietnam, 1968. The argument that bad things can happen in any conflict, and it is impossible to prevent such things from happening, does not justify these incidents.

Some may argue that the nature of war made it impossible to prevent the civilian suffering and that adherence to the Law of Land Warfare and the Geneva Convention is idealistic. In fact, a statement in Dave Grossman's book, *On Killing*, personifies that argument.

The chaplain (a battalion chaplain at Fort Lewis, Washington) cited the Geneva conventions and discussed our nation (the U.S.) as a force of righteousness and the support of God for our cause. To pragmatic soldiers this moral approach did not go far.To the chaplain's righteous and support of God comments, the cold, wet soldiers' answers were along the line of righteousness comes out of a gun barrel and the victor writes history.³

Many countries and belligerent groups have committed civilian atrocities more often and on an often times greater scale than the U.S. did. In spite of these facts, the U.S. cannot afford to violate the law. Any transgressions have the potential to mar the U.S. legitimacy of foreign engagement and the relationship with those countries involved. Moreover, it can adversely affect the U.S. national interests of promoting democracy and protecting human rights abroad. Therefore, if possible, it is paramount to prevent such incidents from recurring when the U.S. Army is involved in combat operations.

When an incident took place, subsequent investigations followed to determine the exact circumstances and causes. However, it appears that the investigations neglected to focus on the lessons learned from those incidents and provide recommendations to prevent similar incidents. For example, the U.S Army Inspector General investigation, conducted between 1999 and 2000, concluded that American soldiers fired into a crowd of unarmed refugees near the village of No Gun Ri in Korea, in July 1950. The US Army ascribed the deaths as a result of confusion, fear and lack of proper training or combat experience.⁴ Yet, the investigation failed to determine if the No Gun Ri incident could have been avoided had the troops received proper training or had requisite combat

experience. Conversely, the US troops at Balangiga and My Lai were combat veterans, but still partook in the killings of innocent civilians.

The fundamental purpose of this monograph is to examine the three incidents and answer the monograph question: can the U.S. Army prevent events such as No Gun Ri in Korea in July 1950 in the future?

The monograph uses three criteria to answer the question:

The first criterion explores whether US Army forces were prepared to conduct operations in an environment where distinguishing combatant and non-combatant proved extremely difficult. All three case studies involve situations where the line between combatant and noncombatant was ambiguous.

The second criterion examines whether the command climate contributed to the incidents. According to *FM 22-100 Army Leadership*, command climate refers to “the environment of units and organizations...leaders establish their organizations climate, whether purposefully or unwittingly...climate comes from people’s shared perceptions and attitudes, what they believe about day-to-day functioning of their outfit. These things have a great impact on their motivation and the trust they feel for their team and their leader.”⁵

The final criterion explores whether the US military and civilian authorities punished the violators according to the law and set an example to prevent future violations. The Law of Land Warfare exists to protect both combatants and noncombatants from unnecessary suffering, to safeguard fundamental human rights including prisoners of war, and to facilitate the restoration of peace.⁶ Additionally, its aims are to punish those who violate the law and to attain a future prohibitory effect.

The author believes the three criteria are appropriate because it is likely that future conflicts involving U.S. Army soldiers will be non-linear, small scale contingencies where there is no line of demarcation between the friendly and enemy forces.

The monograph consists of five chapters. Chapter one discusses the problem, defines criteria and provides a monograph outline. Chapter two, three and four examine the three case studies, Balangiga, the No Gun Ri, and the My Lai respectively. These chapters each first provide the facts known relating to the case study, and then examine the case study using the defined criteria. The final chapter analyzes common causes, discusses implications for the U.S. Army and provides recommendations to prevent future violations of the Law of Land Warfare.

CHAPTER TWO

THE BALANGIGA INCIDENT

*Retaliation will therefore never be resorted to as a measure of mere revenge, but only as a means of protective retribution, and moreover cautiously and unavoidably. That is to say, retaliation shall only be resorted to after careful inquiry into the real occurrence and the character of the misdeeds that may demand retribution. Unjust or inconsiderate retaliation removes the belligerents farther and farther from the mitigating rules of regular war.*⁷

Article 28, General Order 100

This chapter examines the Balangiga case study. The first section provides the background of the actual incident. The final section is an analysis of the facts using the three previously defined criteria.

The Balangiga incident occurred in the fall of 1901. The Spanish-American War had ended on 10 November 1898, when Spain and the United States signed the Treaty of Paris, in which Spain ceded the Philippines to the U.S. for twenty million dollars. On 21 December 1898, the U.S. proclaimed military control over the entire Philippine archipelago. The proclamation deepened the bitterness of Filipino revolutionary leaders intent on Philippine independence and who vehemently objected to the transfer of Philippine sovereignty from Spain to the U.S. On 4 February 1898, hostilities between American and Philippine insurgents commenced when a U.S. private fired at a small group of Filipino soldiers who had failed to respond properly to his challenge.⁸

The Filipino insurgents, under the leadership of General Emilio Aguinaldo initially fought the Americans in a conventional manner; however, by the end of 1899, the U.S. success with its superior military force compelled the insurgents to transition from conventional to unconventional warfare.⁹ The insurgents experienced some success; however, the arrest of General Aguinaldo in March 1901, and his decision to

cooperate with U.S. military forces, seriously weakened the movement and allowed the U.S. military to pacify much of the archipelago.¹⁰

However, one island, Samar, proved difficult for the U.S. forces to pacify. There, the U.S forces could hold only the major coastal towns, because insurgents under General Vicente Lukban, General Aguinaldo's most trusted lieutenant, were able to control the vast majority of the island. Samar's geography gave a distinct advantage to the Filipinos. Samar has dense jungles, high mountains, deep and rapid streams, and widespread swamps. Moreover, the island lacked a road network for U.S. forces to advance inland. Finally, the intense, tropical heat did not favor the U.S. forces. With these advantages, the revolutionaries were able to establish traps and ambush the U.S. troops. Although U.S. military officers ordered several expeditions to capture the island, all failed.¹¹

Company C, 1st Battalion, 9th Infantry Regiment, led by Captain Thomas Connell deployed to Balangiga, Samar, on August 11, 1901 at the request of the mayor of the village, Pedro Abayan. The mayor believed that U.S. forces could protect his village from unwanted pirates and revolutionaries. Balangiga was a small village of about 300 inhabitants on the west coast of the island and the headquarters of various small villages in the surrounding area. Captain Connell's company consisted of seventy-four men, most of who had served in China, Cuba and Luzon. The company's mission was to establish an outpost in the village to protect the villagers as part of President William McKinley's policy of benevolent assimilation.¹² Because it was perceived as a very difficult mission, General Robert P. Hughe, the commanding general of the district selected Captain Connell by name.¹³

The company received a warm welcome and assurance of cooperation from the

mayor and the local priest. The mayor made buildings available for the troop billeting and company's headquarters. Problems between the soldiers and inhabitants quickly surfaced. Local women accused several soldiers of rape. In response, Captain Connell approached the local priest arguing that the women dressed too scantily. The priest refused to address the issue because it was unreasonable to wear anything else in such hot weather. However, Captain Connell's lack of understanding of village customs produced the greatest problem.

One of the village customs was to place garbage under their huts. Captain Connell refused to accept the custom because of the bad smell and potential for disease. He ordered the village leader and the police chief to immediately clean up the village to prevent the spread of cholera. They refused his order and consequently, Captain Connell ordered the arrest of eighty of the most able-bodied men in the village. He ordered the prisoners placed in two army tents, designed only to hold thirty-two soldiers. The prisoners and the village's inhabitants then had no choice but to clean the town under U.S. supervision.

The chief of police recommended to Captain Connell that eighty men from the nearby mountains replace the village prisoners. Unknown to Captain Connell the eighty replacements were trained insurgents; he agreed.¹⁴ On the morning of 28 September 1901, the chief of police lined up the new prisoners to start daily cleanup of the town. He walked behind a U.S. guard, knocked him down with surprising blow, and ordered the prisoners to overwhelm the remaining overmatched guards. Subsequently, the prisoners were joined by a number of natives armed with bolo knives who had earlier infiltrated the village and waited in a church located near the U.S. barracks.¹⁵

They surprised the U.S. soldiers eating breakfast and slaughtered them with bolos, picks and shovels. Surprised and outnumbered, a small group of American soldiers was able to secure their rifles and fight back, killing some 250 Filipinos.¹⁶ Captain Connell's company sustained huge losses: forty-eight killed, twenty-two wounded, and only four unharmed. The survivors managed to escape to the nearby American garrison in Basey.¹⁷

Frustrated by the massacre at Balangiga, Brigadier General Jacob H. Smith, the commander of the Sixth Separate Brigade, instructed his officers to regard all Filipinos as enemies. He told them to treat the local Filipinos accordingly until they conclusively exhibited submission by specific actions such as revealing information about the location of revolutionaries or arms, working successfully as guides or spies, or trying actively to obtain the surrender of the guerrillas in the field. General Smith ordered additional troops onto the island, 5,000 in total, to kill inhabitants and draft animals and banned the importation of food onto the island.¹⁸

Following is one example which shows how the operation unfolded. General Smith ordered Major Littleton Waller, the commander of the Marine battalion sent to reinforce the troops in Samar and informed him that, "I want no prisoners. I wish you to kill and burn; the more you kill and burn the better it will please me." He directed that Samar to be converted into a "howling wilderness," and all males over age ten be shot. Major Waller reported that his men burned 255 dwellings and killed thirty-nine people in an eleven-day operation. Major Waller also ordered the execution of eleven native guides because he believed they conspired to hide edible roots that they had found from the famished American troops.¹⁹ Exact figures are unknown, but different accounts claim that during the three-month operation, perhaps thousands of innocent Filipinos may have

been killed.

The whole operation proved unsuccessful. General Smith's orders accomplished little; in fact, instead of pacifying the population, his orders encouraged them to revolt. Acting Governor Wright assessed him as lacking judgment and causing more problems than he solved.²⁰ The incident caused outrage in the United States when it became known to the public near the end of March 1902.²¹ Because of public outcry, the Secretary of War ordered an investigation of the incident. The investigation resulted in bringing General Smith and Major Waller to court martial.

The convening authority tried Major Waller for the execution of the eleven native guides. Major Waller received an acquittal based on his defense that he was simply "following orders." Next, they tried General Smith on charges of giving orders to Waller to take no prisoners and that the "interior of Samar be made a howling wilderness." The court convicted him, but a reviewing authority released him with a reprimand. The Judge Advocate General of the Army later stated, only the good sense and restraint of the majority of Smith's subordinates prevented a complete reign of terror in Samar Island.²²

Analysis

The first criterion to address is whether the U.S. forces were prepared to conduct counter insurgency or guerrilla operations. The analysis focuses on the average soldiers misconception of the actual mission, his lack of training in counterinsurgency operations, and the failure to recognize key pieces of intelligence unique to insurgency operations.

The Filipinos and Americans worked together when they fought against the Spanish oppression. The U.S. continued to enjoy a certain degree of the Filipino public

support even after the insurgency movement began, because President McKinley's policy of benevolent assimilation found many allies in the Philippines.

The fundamental problem with President McKinley's benevolent assimilation policy was that the American military forces simply did not understand the concept. Although some of the military leadership grasped the concept, the average soldier did not. For example, Major General Arthur MacArthur, then Commanding General of the 2nd Division, 8th Corps, (also the father of General Douglas MacArthur) expressed the policy in his field orders that it was one of the most important duties of American soldiers to assist the natives in all matters with kind and considerate treatment to establish friendly relations.²³

However, the soldier on the ground believed that he was in the Philippines to quell an insurrection; a rebellion by the native Filipinos opposing American occupation.²⁴ This misunderstanding of the mission produced a high level American prejudice towards the Filipino. A poll among the American-Philippine War veterans in the summer 1900 showed that the veterans did not regard the Filipino citizens as equals.²⁵ The press also had prejudice against the Filipino. *The Chicago Tribune*'s report about the combat in Manila in 1899 that resulted in 3,000 Filipino casualties, "The slaughter at Manila was necessary, because only by a crushing repulse of the Filipinos could our position be made secure."²⁶ With this attitude, instead of attempting to establish friendly relations and assist the Filipinos, the army patrolled heavily in areas previously pacified and arbitrarily arrested and restricted Filipino citizens.²⁷

Clearly, the lack of mission understanding contributed to prejudice and maltreatment of the Filipinos, which exacerbated the anger of the insurgents and helped

turn potential American supporters over to the insurgents. Once the U.S. forces had committed themselves to quelling the insurgent movement, they found an opposing force that was a learning organization and would transition from conventional to unconventional warfare.

The problem for the American soldiers was that they were used to the classic battle mode of standing on the ground and shooting, or charging the enemy and fighting hand-to-hand. They quickly became frustrated when the Filipinos shifted to guerrilla warfare. Brigadier General Wheaton, the commanding general of Department of Northern Luzon, commented on how the Americans felt about the Filipinos. Hearing a correspondent remark that Filipinos were brave, he said, "Filipinos are brave! Damn 'em, they won't stand up to be shot!"²⁸ General MacArthur also said that since guerrilla warfare was contrary to the customs and usage of war, those engaged in it divest themselves of the character of soldiers, and if captured are not entitled to the privileges of prisoners of war.²⁹ He thought that the revolutionaries were violating the law of war and could be treated accordingly. Richard E. Welch, Jr., a professor of history at Lafayette College, wrote that the American soldier despised Filipinos because they refused to fight fair – to stand his ground and be shot down like a man.³⁰

Therefore, the Americans were not mentally prepared to fight guerrilla warfare. The inability of American forces to understand the nature of the war and the continued view that guerrilla operations was an inferior form of warfare precluded U.S. forces from receiving the proper training. At no time during the conflict did the U.S. military transition its training from conventional to training for unconventional warfare.

The U.S. forces also had problems with recognizing key pieces of intelligence that

may have prevented the Balangiga incident. A month before the Balangiga incident, U.S. military forces captured a letter, which spelled out the plan to deceive the American forces.³¹ A Balangiga local priest had written Lukban in Spanish that the village leaders agreed to pursue the vulnerability of the benevolent policy when the U.S. forces arrived and that the people would rise up against the American forces in coordination with the revolutionary forces when time was right. However, American intelligence failed to disseminate the information down to the proper level, meaning that Captain Connell's company had no idea of the potential volatile situation.

The Americans also failed to recognize other key indications and warnings. Although the U.S. forces received an invitation to deploy to Balangiga, village leaders would not cooperate with the U.S. forces; instead, they tried to provoke U.S. actions by not cooperating with them. For example, the villagers did not start to clean their own villages until the U.S. forces arrested some villagers and forced them to clean. It was not an issue of laziness; it was a sign of intentional provoking. Captain Connell failed to understand that these provocations were a prelude to something larger.

Captain Connell also failed to understand the significance of exchanging the eighty prisoners. The chief of police provided a justification for the replacement, however, Captain Connell should have recognized that it was unlikely that there would be volunteers for imprisonment and since the insurgents controlled the island, it would be highly likely that the prisoners would also be insurgents.

Finally, the night before the native assault, one of the guards reported that the women and children were leaving town at about midnight.³² The sergeant of the guard received the report, but he did not notify the company commander. Therefore, Captain Connell had no opportunity to determine that that women and children leaving in the middle of the night

might indicate an imminent enemy attack or foretell of an incident of similar urgency. It is quite apparent that the American forces did not receive the proper training for counterinsurgency operations. First, they failed to clearly understand the mission, next, once the nature of the war transitioned to unconventional warfare, the U.S. failed to change or adapt its training method. That training should have included recognizing key pieces of intelligence when combating insurgents.

Next, the monograph analyzes the second criterion: Did the command climate contribute to the incident? The analysis focuses on the misperception of the leadership and their orders and the attitude of the average soldier toward Filipinos.

Although the President McKinley had his benevolent assimilation policy, U.S. leadership in the Philippines, both civilian and military, helped contribute to the incident through their words. For example, at the highest civilian level, William Howard Taft, Civil Governor of the Philippines, was convinced that the only way to achieve peace was to pin down the Filipinos with bayonets for ten years until they submitted. The official report of General Otis and his successor, General MacArthur, illustrates the command's attitude toward Filipino casualties. They reported fifteen Filipinos killed for every one wounded. In the American Civil War, the ratio had been five wounded for every soldier killed. General Otis attempted to explain this anomaly by the superior marksmanship of the U.S. soldiers. When a congressional committee asked General MacArthur, he testified before a congressional committee that inferior races succumbed to wounds more easily than Anglo-Saxons.

Orders from the top helped to reinforce the soldier's attitude toward the Filipinos. General Smith's order to kill every man age over ten and to convert the island into a "howling wilderness" ignited the hatred of the U.S. forces. He was convinced that he could stop the inhabitants from supporting the guerrillas through fear and starvation and forcing Filipinos to submit to American control. He sought to substitute the benevolent

and humane policy that had preceded his campaign with fire and sword.

Major Waller, who reinforced U.S. forces after the Balangiga incident, wrote in his order, "We have to avenge our late comrades in North China, the murdered men of the Ninth U.S. Infantry." Waller refused to differentiate between the Chinese and the Filipinos; all were the same Asians. Moreover, Captain Bookmiller, commander in Basey, told his soldiers that "they have sown the wind and they shall reap the whirlwind."

Many soldiers regarded the Filipinos as men of inferior race or as less than human. They called them as goo-goos or niggers. They celebrated burning barrios of huts. They shoot the Filipinos somewhat in the sporting spirit. They were determined to prove their manhood by shooting "niggers." One of the popular march songs among the U.S. soldiers says, "Damn, damn, damn the Filipinos! Cut throat Khadiac ladrones! Underneath the starry flag civilize them with a Krag and return us to our beloved home." In many letters, soldiers described how they felt about the Filipinos. William Eggenberger described an incident in which he and a fellow private had terrorized the inhabitants of a nipa hut by sticking their bayonets through the side of the house. One American soldier said, the country would not be pacified until the niggers are killed off like the Indians. Another explained, "The only good Filipino is a dead one. Take no prisoners. Lead is cheaper than rice. This is partly because they were poorly educated, and seasoned by combat in China or Cuba.

It is quite evident that the command climate contributed to Balangiga incident. Words disseminated from the highest level of civilian leadership down to the soldiers in the field helped encourage U.S. forces to commit violent acts against non-combatants. The soldiers' biased perceptions and attitudes also impacted on their misconduct.

Lastly, the monograph analyzes the third criterion: Did the U.S. leadership take proper disciplinary measures? The analysis focuses on the trial of General Smith and Major Waller and the public reaction to the trial.

Since the incident happened in 1901, the legal references for this case are General Order No. 100 (GO 100). Article 17, GO 100 allowed the starving of the hostile belligerents; leading to the speedier subjection of the enemy. It also recognizes retaliation as a legal action in Article 27. Therefore, it was legal for General Smith and Major Waller to retaliate in response to the native assault. However, Article 28, GO 100 limits the scope of retaliation to a means of protective retribution, not to be used as a measure of mere revenge. It also prohibits in Article 16,

the infliction of suffering for the sake of suffering or for revenge, maiming or wounding except in fight, torturing to extort confessions. ... In general, military necessity does not include any act of hostility, which makes the return to peace unnecessarily difficult.

From the legal point of view, it was obvious that General Smith's orders to kill the noncombatant indiscriminately and to convert the island into a howling wilderness were beyond the scope of retaliation limited by GO 100. Major Waller's order to kill the native guides also violated the law. Other soldiers who participated in the killing also satisfied the conditions for a war crime.

Next is the level of punishment Major Waller and General Smith received. Article 47, GO 100 describes,

Crimes such as arson, murder, maiming, and rape committed by an American soldier in a hostile country against its inhabitants, shall be punished by the severer punishment described by the two laws, the law at home and the law of the State, Territory, or district which such offense may have been committed.

Therefore General Smith and Major Waller were supposed to receive the heavier punishment of the two statutes, the law of the United States and the law of the Philippine.

Major Waller was tried for the execution of the eleven native guides, but was acquitted. General Smith was then tried, and received only a reprimand. His case was

ended with his retirement from service. Had the laws had any application to the incident, General Smith and Major Waller would have been punished much more severely.

The outcome was self-conflicting. Major Waller defended his actions, citing that he had only “followed orders.” However, his directive to execute the native guides did not reflect guidance received from General Smith. Also, if blindly obeying superior order could excuse a war crime, what about General Smith? He issued a specific order to kill indigent personnel, which was a clear violation of the law. Neither the person who issued orders, nor the one who obeyed the orders was punished.

Many soldiers regarded General Smith as a hero. They lined the docks in San Francisco in August 1902, to receive him when he arrived there from the Philippines. His medical officer spoke to the press in San Francisco: " I do not believe that there are half a dozen men in the U.S. army that don't think Smith is all right." The U.S. leadership did not regard the incident seriously and the trial process was whitewashed by the nationalist sentiment of the time.

CHAPTER THREE

NO GUN RI

They will need to hear the widows and the orphans of the killed and the violators will live forevermore with what they had done.

David A. Grossman

The No Gun Ri incident happened in late July 1950 in Korea. However, the official inquiries begun only after the Associated Press (AP) reported the incident on September 29, 1999. One may question the relevance of No Gun Ri after a silence of fifty years. The survivors and the relatives of victims had been telling of the incident for many years. However, officials in Washington and in Seoul, citing the lack of an official record, dismissed their claims. This was especially true under the strong anti-Communist Republic of Korea (ROK) government with its desire to maintain strong ties with the U.S. Anyone claiming the U.S. forces involvement with the incident was accused of being a Communist sympathizers. Only with the presidency of Kim Dae-Jung could Koreans openly hear these kinds of claims from the survivors.

The Korean War officially began when the North Korean People's Army (NKPA) crossed the 38th parallel on the morning of 25 June 1950. It had not only overwhelming combat power, but also planned and exercised the invasion in detail. The ROK forces were essentially unprepared for war. Half of the ROK forces were on leave that Sunday morning and the remaining forces were equipped and deployed for internal security throughout the countryside. Despite some valiant fighting, the ROK forces were forced to withdraw. On 28 June, the NKPA entered Seoul.

Faced with the situation, President Harry S. Truman approved General of the Army Douglas MacArthur's request on June 30 to use ground forces under his command to halt the advancing NKPA forces. General MacArthur ordered the immediate deployment of a task force consisting of elements of the 1st Battalion, 21st Infantry, 24th Division; the task force took the name of its commander, Lieutenant Colonel Charles B. Smith. The task force arrived on July 1

and made first contact with the NKPA on the morning of 5 July in the vicinity of Osan. Unprepared for war, the task force withdrew in disorder while receiving heavy casualties.

The remaining units of the 24th US Infantry Division arrived in the Korean Peninsula and were tasked to conduct a delaying operation to trade space for time until the United Nation could bring more combat power to establish a solid defensive line. As a response, the NKPA employed simultaneous frontal attacks and infiltration tactics. The NKPA soldiers infiltrated through U.S. front line dressed white (traditional Korean costume) as civilians moving with a large group of refugees. Once behind front lines, they conducted guerrilla-style combat operations. They constantly disrupted supply routes, and attacked artillery units or transmitted their locations to the NKPA for use in targeting. The identification of the NKPA soldiers among refugees was very difficult for the U.S. troops. The division fought five major delaying actions along the enemy's main avenue of advance (Osan, Chonan, Chonui, Chochiwon and Taejon) between July 5 and July 20, 1950 while falling back seventy miles. It abandoned Taejon on July 20. It also received heavy casualties, including the commanding general, Major General William F. Dean, who was taken as a prisoner.

As a result of the NKPA successes, General MacArthur ordered the 1st Cavalry Division and the 25th Infantry Division to Korea to further delay the enemy. The 1st Cavalry Division received the alert notification for possible deployment to Korea on July 6, 1950. However, the division did not have enough time to fill personnel and equipment shortages before deploying to Korea on July 18. In fact, it transferred 750 noncommissioned officers to the 24th Division to bring the latter up to strength prior to that division's departure from Japan. It further weakened the 1st Cavalry. The 5th and 8th Cavalry regiment, 1st Cavalry Division arrived in Korea on July 18 as the division's first echelon. While enroute to Korea, each company was briefed by division and regimental

intelligence staffs on the current situation and on the North Korean tactics. Immediately after arrival, the regiments moved forward the following day to the Youngdong area, about ten miles North of No Gun Ri. The 8th Cavalry relieved 21st Regiment, 24th Infantry Division in the vicinity of Youngdong on July 22, and the 1st Cavalry thereby assumed responsibility for delaying the NKPA along the main Taejon-Taegu axis.

A patrol from the 8th Cavalry made first contact with the element of NKPA 3^d Division that day and the ensuing battle began on the morning of July 23. During the two-day battle, the enemy continued to use infiltration tactics and threatened to envelop the U.S. forces. The threat of enemy envelopment became a real concern when an aerial observer reported groups of people dressed in white, identified as possible NKPA soldiers. The enemy successfully infiltrated behind the 2^d Battalion, 8th Cavalry and launched a series of ambushes on the battalion supply route. The 2nd Battalion supported by Company A, 71st Tank Battalion tried clear the route without success. Faced with the danger of the NKPA envelopment, the 1st Cavalry Division Headquarters issued an order of disengagement and withdrawal to the 8th Cavalry the evening of July 24. The order also directed 5th Cavalry to support the 8th Cavalry's disengagement from the NKPA.

Meanwhile, the 7th Cavalry, 1st Cavalry Division arrived in Korea from Japan on July 22, 1950, as part of the division's second echelon. The 1st Battalion of 7th Cavalry remained in the Pohang area to defend the port and adjacent airport. The remaining units moved forward to the Yongdong area to prevent enemy infiltration and to support the 5th Cavalry in case the 8th Cavalry could not break contact. The bulk of the 8th Cavalry managed to break contact with the enemy. However, its rear guard, Company F, a platoon of tanks from Company A, 71st Tank Battalion, and elements of the

Reconnaissance Company was cut off by the NKPA, and had to make its way out on its own.

The 2nd Battalion, 7th Cavalry relieved 1st Battalion, 8th Cavalry, and reported first enemy contact at 8:00 PM on July 24. The next morning, the 7th Cavalry received a report that a breakthrough had occurred in the 25th Infantry Division's area, the right flank of the 1st Cavalry Division. Sometime during the night, fearing a potential envelopment from the NKPA, the soldiers of the 2nd Battalion, without orders and even not in contact with the enemy, began to withdraw. During the disorganized withdrawal, they lost 119 men out of 660. They finally reorganized in an established position next day next to the 2nd Battalion, 5th Cavalry in the vicinity of No Gun Ri.

On July 26, the 1st Battalion, 7th Infantry arrived from Pohang to establish a blocking position and relieved the 2nd Battalion, 5th Cavalry in the vicinity of No Gun Ri. The 7th Cavalry did not have direct contact with the enemy on July 27, with exception of engagement by artillery. On the evening of July 27, the enemy mounted two attacks on units adjacent to the 1st Cavalry in an attempt to flank the division. On July 28, the enemy penetrated the defense line of the 27th Infantry, 25th Infantry Division, the right flank of 2nd Battalion, 7th Cavalry. This created a gap between the two units, which could provide the enemy an opportunity to outflank the 1st Cavalry. The forces managed to close the gap, but the enemy threat of envelopment continued to increase.

As a result, at 8:30 PM on July 28, the 7th Cavalry received orders to withdraw to the southeast at first light the next day. The order of withdrawal was the 2nd Battalion, followed by the 1st Battalion. However, the 1st Battalion, acting against orders, moved first and conducted a disorganized withdrawal from its position, in the vicinity of No Gun

Ri. The 2nd Battalion believed the movement was coming from the enemy and about to be enveloped.

Because the incident took place more than fifty years ago, much of what happened following the withdrawal is based on interviews by the AP, the ROK and the U.S. investigation teams, with both civilian and former service members. The U.S. maintains that, as a result of confusion during the withdrawal, the 2nd Battalion, 7th Cavalry fired on civilians thinking they were the NPKA forces. The Korean survivors' organization asserted that U.S. forces were aware of their refugee status and still fired indiscriminately. The *No Gun Ri Review*, published by the Department of the Army Inspector General, January 2001, provided the following statements where both Korean and American witnesses were in agreement:

- The 1st Cavalry Division troops did not have contact with the enemy but they believed they were in danger of being enveloped, which caused disorganized withdrawal.
- The refugees, who were gathered in the vicinity of No Gun Ri, were strafed by U.S. aircraft and received ground fire, including small arms, motor and artillery fired some time between July 26-29, 1950. The duration of fire differs between the witnesses from a few minutes to four days.
- There were civilian casualties. The total number of casualties has not determined; however, a ROK Steering Group claimed that the number of casualties was 248 while the U.S. review team could not determine the number, but believes it was less than 248.

Analysis

The first criterion to address is whether the U.S. forces were prepared to contend with unconventional warfare. The analysis focuses on the Army's efforts to handle the refugee problem.

In the early stage of the war, the US forces had to fight NKPA infiltrators disguised as refugees. The NKPA exploited the vulnerability of the US forces capacity to distinguish friend from foe and used the refugee situation as a combat multiplier. As General Matthew B. Ridgway described in his book, *the Korean War*, for the ROK and the US soldiers, it was endless fighting, endless falling back, and endless danger.

However, the soldiers arriving in Korea had little knowledge about the situation or North Korean tactics. They failed to receive adequate briefings before the deployments and received no training on how to manage displaced civilians on the battlefield. This lack of training generated increased confusion and fear on the battlefield. Rumors about the ruthless tactics employed by the NKPA created further illusion and fear of the NKPA soldiers in a soldier's mind. The leaders at all level could have thought through and discussed with their men what to do when they encountered the refugees (a war game or rock drill in today's terminology). However, it appears this did not occur; rather, they were also in a state of confusion.

In fact, several unnamed veterans revealed that Captain Melborne Chandler, then H Company commander of the 2nd Battalion, 7th Cavalry instructed his men, "The hell with all those people. Let's get rid of all of them." Norman Tinkler, a 2nd Battalion soldier, told the AP that his unit annihilated the refugees at No Gun Ri. He said he fired a single 250 round belt from his .30 caliber machine gun into the tunnels sheltering the refugees because, "I wasn't going to let them get near me." Another soldier echoed the

overall confusion on the battlefield, “I was scared to death …nobody knew anything. We were so green, unorganized … We did not know if they were North or South Korean … We were there only a couple of days, and we didn’t know them from a load of coal.”

A large part of the problem for the average soldier was the language barrier that existed between Americans and Koreans; however, the U.S. had no method to remedy the situation. In addition, the lack of qualified interpreters posed a problem; there were virtually no Korean linguists. The U.S. attempted to use Japanese-American linguists as translators. The translation had to be carried out through two translators: from English to Japanese, then Japanese to Korean, and the answers back through the reverse process. However, the poor quality of translation skills and the hatred that existed between the Koreans and the Japanese only exacerbated an already confusing situation.

In summary, the lack of proper training produced confusion and fear on the battlefield. The U.S. forces had no idea how to battle the unconventional infiltration tactics, nor did they have qualified linguists to determine friend from foe. Apparently, in an act of desperation, they fired on innocent civilians.

Next, the monograph analyzes the second criterion: Did the command climate contribute to the incident? The analysis focuses on the misperception of the leadership and their orders.

To counter the infiltration problem, senior leaders held conference on July 25, 1950. Participants included representatives from the ROK government, the American Embassy, the United Nations and the 8th U.S. Army Korea (EUSAK). The aim of the conference was to determine measures to protect the friendly forces from NKPA infiltration, and to reduce the adverse impact of refugees on the combat operations.

After the meeting, EUSAK issued instructions on refugee control that, “No refugees will be permitted to cross battle lines at any time … Civilians moving within the combat zone would be considered as enemy.” The order failed to consider that Korean terrain channels all traffic along main roads, which made it impossible for the refugees to take alternative routes. In addition, it was difficult for the refugees to determine if they were in combat zone.

Major General Hobart R. Gay, the 1st Cavalry Division commander had the same perception. When he arrived in Korea, he told a press conference that “his solution for the Communist’s infiltration tactics was to force every Korean out of the division’s area of responsibility (AOR), on the theory that once they were removed, any Korean caught in the area would be an enemy agent.” In line with his remark, he issued an order on 24 July, even before the conference, “No refugees are to cross the front line. Fire everyone trying to cross lines. Use discretion in case of women and children.”

Unfortunately, this issue was not limited to the 1st Cavalry Division. On July 27, 1950, Major General William B. Kean, the 25th Infantry Division commander also ordered his troops: “Since south Korean were to have been evacuated from the battle zone, any civilians seen in this area were to be considered as enemy and action taken accordingly.” He also sent a message to the 1st Cavalry Division that civilians moving around the combat zone would be considered as unfriendly and shot.

To alleviate the refugee problem, the Army requested the Air Force to attack refugees from the air. APO 970, Advanced Headquarters 5th Air Force’s policy memo, dated July 25, 1950 discusses whether the Air Force should continue the strafing of civilian refugees. It reads in part, “The army has requested Air Force to strafe all civilian

refugees that are noted approaching their position.”

The U.S. military leaders saw only one course of action to the refugee problem, a mental model derived from the Second World War. They did not concern themselves with the safety and welfare of Japanese civilians when they fought against Japan. It would be easy to fight the enemy if one could assume that his AOR was cleared for military operations and that anyone remaining in the AOR was enemy. Unlike a platoon or a company, a division AOR is not a small area. It was fundamentally wrong to assume a division AOR could be cleared within a few hours. “An order to fire on civilians is patently an illegal order,” said retired Col. Scott Silliman of Duke University, an Air Force lawyer for 25 years.

Even though *The No Gun Ri Review* emphasizes the Korean government’s responsibility for the controlling and screening of refugees, it does not provide any evidence of the US Army’s efforts to coordinate with the Koran National Police (KNP). General Gay commented that he would not employ the KNP in his division’s area of operations. Instead, he sent liaison elements of the KNP back to the rear. The presence of the KNP could have helped the U.S. forces control refugees and keep the lines of communication open.

In summary, the U.S. forces were not prepared to fight in a situation that refugees became a huge problem. Instead, they believed the easiest way of to resolve the issue was to clear the refugees fro the combat zone, which was practically impossible. They did not explore other methods to control the civilian population. Directives by US military commanders engendered an environment where their soldiers viewed civilians as the enemy.

Next, the monograph analyzes the third criterion: Did the U.S. leadership take proper disciplinary measures? Because formal investigation took place on the incident until 1999, it is not possible to determine if the U.S. military took proper disciplinary measures, therefore, the analysis focuses on the review process by the U.S. Army investigation teams.

The U.S. Army investigation team concluded that the firing was a result of fire directed over the refugees' heads or near them to control their movement. The death and injuries of civilians, wherever they occurred, were an unfortunate tragedy inherent to war and not a deliberate killing. The investigation team insisted that they found no definitive evidence that the soldiers fired under orders from superiors, based upon all the documented evidence available on the incident.

However, it appears from research that the team used only selective documents to support the U.S. position. For example, the review team discounted various evidentiary document such as EUSAK instruction, General Gay's statement at a press conference and his orders, General Kean's orders, and Air Force documents. They all support the assertion that the refugees were treated as enemy and fired upon by the U.S. troops. The team also did not take into consideration a dozen veterans cited by the AP as witnesses of, or participants in the incident. Additionally, Pete McCloskey, a Marine veteran of the Korean War said that the Pentagon was too quick to dismiss the testimony of US veterans. He still considered the AP report as first class, professional reporting and he did not believe the Pentagon found any hard evidence to dismiss the AP report. Because of the time involved from the incident to the investigation, the truth may never be determined.

The review does not discuss the command responsibility for inaction, either. The commanders of platoons, companies, and batteries were present at the time of action. They could request or at least monitor their subordinates requesting air strafe and calling for motor and artillery fire. They could have stopped shooting if they realized it was the result of fear or confusion. In 1945, the Charter for the International Military Tribunal at Nuremberg established individual liability for war crimes and crimes against humanity, both of which prohibited murder or inhumane acts committed against a civilian population. William Aceves, a reporter for *The San Diego Union-Tribune* insisted “It is easy to condemn violations of international humanitarian law when such acts were committed abroad by foreign military or paramilitary personnel. It is much more difficult to condemn and prosecute these violations when they were committed by young American soldiers fighting the Communist invasion of South Korea.”

In conclusion, although the complete picture of the civilian deaths at No Gun Ri is impossible to complete, the analysis shows that a lack of training contributed to the incident. U.S. soldiers did not receive proper training prior to their deployment on what to expect in Korea or how to handle complex situations dealing with non-combatants. Furthermore, the guidance from commanders on the handling of civilians intensified a growing dislike for the civilians among the soldiers, and no doubt contributed to the soldiers feeling that their commanders sanctioned the actions.

CHAPTER FOUR

MY LAI

The heavens will not tolerate this. The blue ocean will not wash away the hatred.

Quang Ngai National Liberation Front

My Lai is located in the South Vietnam district Son My, Quang Ngai Province and in 1968 the village had approximately 700 inhabitants. The Vietcong (VC) operated near the village and kept the area heavily mined. The area around My Lai was also where Company C, Eleventh Infantry Brigade, 1st Armor Division operated.

As a result of the mines, the company had suffered several casualties during the preceding weeks. On February 25, it suffered six men killed and twelve seriously wounded when it ran into a well-laid minefield north of Pinkville. On March 14, a squad from the company ran into a booby trap, resulting in Sergeant George Cox killed and another soldier seriously wounded. The Next day, the company held a funeral service for Sergeant Cox. Right after the service, Captain Ernest L. Medina gave a moving speech, then explained the company's mission of the following day.

The company's mission was, as a part of Task Force Barker, to search for and destroy the 48th VC Battalion in My Lai. An intelligence source indicated that the VC battalion was one of the VC's best units, with strength of 250 to 280 men. The company's scheme of maneuver was to employ two platoons to sweep through the village, and the third platoon would arrive half an hour later to conduct mop up operations. Later, during the investigation, there were conflicting testimonies among the troops over Captain Medina's verbal order. Some said that he ordered to kill everyone in the village. Others said that he did not specifically mention to kill everybody, including

women and children.

The other two companies of Task Force Barker would establish blocking positions to the north and south to prevent the VC troops from escaping. The operation began with artillery preparation fire in the early morning of March 16. The first platoon, led by Lieutenant William L. Calley, landed 150 meters west of the village, and secured the landing zone at around 7:30 am. The second platoon, led by Lieutenant Stephen Brooks landed twenty minutes later. The third platoon, led by Lieutenant Jeffrey La Crosse with Captain Medina and his company headquarters element landed within minutes of the third platoon and remained as the company reserve.

At about 8:00 AM, the first and the second platoons began advancing toward the village, Lieutenant Calley to the south and Lieutenant Brooks to the north. The troops entered the village poised to engage the VC, however, despite receiving no sniper fire or seeing a sign of the suspected VC battalion, the soldiers began to fire upon the villagers and their livestock. They set fires to the villager's huts, destroyed the crops, bayoneted several old men and women, shot children in the back of the head, and raped women. Subsequently, the soldiers gathered two particularly large groups of villagers, ordered them into a ditch, where Lieutenant Calley and an enlisted man killed them with their weapons.

After the first two platoons had disappeared into the village, Captain Medina ordered the third platoon to enter and ordered his command post moved into the village. By 9:00 a.m., the remaining elements of the company had joined. The soldiers continued burning the village, raping and sexually abusing the women. Villagers who attempted escaping received fire from the helicopter gunships circling above the village. Even

though Captain Medina finally ordered cease-fire at around 11:00 a.m., the killings continued for an undetermined time. In the afternoon, Captain Medina then ordered the company to conduct mop up operations to make sure that all the houses and goods in the village had been destroyed.

If not for the heroic actions of Chief Warrant Officer Hugh Thompson, an observation helicopter pilot, and his two gunners, Specialists Larry Colburn and Glenn Andreotta, the massacre may have been even worse. When they realized what was happening in the village, Thompson landed his helicopter and placed himself between Lieutenant Calley and the civilians. He ordered his gunners to point their weapons to the next U.S. soldier who tried to kill a civilian. He continually requested assistance over the radio and finally, the task force commander overheard the request and directed Captain Medina to halt the operation. Even after receiving orders to halt, the company returned to My Lai the next day, and destroyed three nearby hamlets.

Initially, the task force received accolades for its efforts at My Lai. Senior military leaders received reports that it was a great victory. General William C. Westmoreland, then commander of US Forces in Vietnam sent a congratulation message for their outstanding action. *The New York Times* and other prominent newspapers reported on March 17, that, “The company, with support from artillery and helicopter gunships, killed 128 enemy and captured three enemy weapons.”

Even though a North Vietnamese delegation in France worked with the French press to accurately portray the incident, the US would not accept the enemy’s account and refused to begin an investigation. A formal investigation only began in 1969 after Ronald Ridenhour, a former soldier wrote thirty letters to various officials to include the

president, members of his staff and various senators and congressmen. The investigation officially began when General Westmoreland, then the Army Chief of Staff, officially turned over the case to the office of the Inspector General. On September 5, 1969, the Public Information Office at Fort Benning released the first information concerning My Lai.

The military investigation filed charges with murder against sixteen soldiers involved in the crime committed at My Lai. Six of them were tried. In the end, only Lieutenant Calley was convicted of a crime committed at My Lai. He was sentenced to life in prison. He received widespread expressions of support from members of the public, who regarded him as a scapegoat. He was granted parole in November 1974 after having served about a third of his sentence of ten years, most of it under house arrest in his quarters. Five others were court-martialed, but acquitted for lack of evidence.

Analysis

The first criterion to address is whether the U.S. forces were prepared to fight in an environment where the line between combatants and noncombatants was not clear.

Although US soldiers arriving in Vietnam had received training to fight against a conventional force, their opponent was anything but conventional. The Vietnamese Communist or VC were an unconventional force that operated throughout South Vietnam. Because the VC operated within the civilian population, they could easily attack US forces and then melt back into a village.

Faced with the situation, US soldiers started to hate all the Vietnamese and began treating them all the same, irrelevant of whether or not they could identify them as the enemy. To gain information, the soldiers used various coercive measures varying from

beatings to torturing using electric devices. Those soldiers involved in such practices “appeared to feel righteously justified ... to do what was militarily necessary.” Moreover, units used mortars and artillery to destroy villages in retaliation for American casualties.

The U.S. soldiers became immune for killing innocent civilians. Terry Reid, who served with 11th Brigade in 1968, said, “After you kill your first innocent civilian, you tell yourself you are doing the right thing. Everyone else is doing it, so you do it, too.” Some jokes among the U.S. soldiers explained how they felt, “The loyal Vietnamese should all be taken and put out to sea in a raft. Everybody left in the country should then be killed, and the nation paved over with concrete, like a parking lot. Then the raft should be sunk.” “Anything that’s dead and isn’t white is a VC.”

This attitude was probably the result of their training. Most of the recruits had never seen anybody dead before they arrived to the battlefield. It became all right to do it, because they’ve been told again and again by everyone they respect. A USMC Sergeant said,

Everybody was motivated more or less towards the killing things. We’d run PT in the morning and every time your left foot hit the deck you’d have to chant “kill, kill, kill, kill.” It was drilled into your mind so much that it seemed like when it actually came down to it, it didn’t bother you... The idea of killing a person was like squirrel hunting without a license. You didn’t do things like that. But once you came here and they motivated you and just kept you every day constantly thinking about it, it’s something you still don’t want to do, but you’ve got it in your mind that you want to do it so bad that you actually go out and do it when you have to do.

Unfortunately, the training to kill failed to distinguish between combatants and non-combatants.

In summary, US soldiers arriving in Vietnam did not have the proper training to

deal with an unconventional force or to distinguish between the combatant and non-combatant. The soldiers knew that killing was the correct thing to do, however, they failed to understand the limitations.

The next criterion examines whether the command climate contributed to the incident. The analysis examines influence from the senior military leadership down to the company commander.

At the most senior level, General Westmoreland's attrition strategy provided a strong incentive for commanders to generate a high body count where civilians added to the number. Many units ran contests among their subordinate units for the highest score in enemy kills, with the winning unit getting additional time for pass. One brigade commander ran a contest, and celebrated his unit's 10,000th enemy kill by giving the soldier who shot him a week's pass to stay in the colonel's personal quarters.

Among the highly touted colonels in Vietnam in 1967-68 was George S. Patton III, the son of the famous World War II leader, who was commander of the 11th Armored Cavalry Regiment, just south of Quang Ngai. His unit had the motto: "Find the bastard and pile on." He often told his men before combat, "I do like to see the arms and legs fly." One battalion commander in Vietnam named his helicopter the Gookmobile and listed his kills on the fuselage with a neatly painted row of conical hats.

This attitude trickled down the chain of command. Captain Medina often beat and terrorized suspected VC soldiers or civilian sympathizers. Michael Bernhardt, a soldier in the company said, "As far as Captain Medina was concerned, everything that walked and didn't wear any uniform was a VC." He used to tell his men, "If you shoot a gook and check him out and find he's got an ID (identification card indicating he is not a VC),

plant a grenade on him.” Moreover, the day before the massacre, Captain Medina gave a moving speech, then explained the company next mission. “This is what you've been waiting for and you've got it … our job is to go in rapidly, to neutralize and kill everything.” Henry Pedrick, said, “The company was very upset …it had revenge on its mind.” The day after the massacre, the soldiers raped and killed a woman and took a ring from her. They stole a radio from the village. The Vietnamese national police investigated and protested that. Captain Medina was upset not because they did it, but because the Vietnamese national police caught it.

The company quickly accepted Captain Medina’s attitude, junior leaders did not enforce the established rules of engagement and beatings happened as a matter of course every day. Michael Terry who served in Company C during 1967-68 said, “The soldiers simply treated the Vietnamese like animals. A lot of guys didn’t feel that they were human beings … we would go through a village, tear up stuff, kicking it over, burning it down.” With Captain Medina in command, soldiers had no respect and honor for Vietnamese culture and their law. Soldiers often used the derogatory names of gook, dink and slope to describe the Vietnamese. One veteran said, “They were less than animals.”

A study by the Army Deputy Chief of Staff for Personnel concluded that there were no significant differences between the soldiers in Captain Medina’s company and the normal cross-section of first term enlistees and inductees. What made the company different was the command climate. As Gwynne Dyer wrote in his book *War*,

You put those same kids in the jungle for a while, get them real scared, deprive them of sleep, and let a few incidents change some of their fears to hate. Give them a sergeant who has seen too many his men killed by booby traps and by lack of distrust, and who feels that Vietnamese are dumb, dirty, and weak, because they are not like him. Add a little mob pressure, and those nice kids who accompany us today would rape like champion. Kill, rape and steal is the name of

the game.

In summary, there is little doubt that command climate contributed significantly to the incident at My Lai. The senior leadership's emphasis on body counts and its overall attitude towards the Vietnamese undoubtedly influenced soldiers at the lowest levels and engendered the attitude that the only good Vietnamese was a dead Vietnamese.

Next, the monograph analyzes the third criterion: Did the U.S. leadership take proper disciplinary measures?

A 1968 directive published by the US command in Saigon explicitly stated the required action in the case of violations of the Geneva Convention:

It is the responsibility of all military personnel having knowledge or receiving a report of an incident or of an act thought to be a war crime to make such incident known to his commanding officer as soon as possible ... take all reasonable action under the circumstances to preserve physical evidence.

However, it appears that those involved or had knowledge of the incident failed to take the proper action. The cover-up started immediately after the massacre. It is likely that many officers had knowledge about what had happened at My Lai. Lieutenant Colonel Baker, task force commander; Colonel Oran K. Henderson, the brigade commander; and Major General Samuel W. Koster, the division commander, were flying overhead in helicopters during the morning of March 16. Chief Warrant Officer Thomson radioed that the company was shooting civilians indiscriminately. Even if the officers failed to hear the message, they had access to Thompson's report which he personally delivered to the brigade headquarters.

Captain Medina, worried about the possibility of an investigation, ordered his men not to talk about the incident. He promised them he would back them up in case of

trouble by saying it was an engagement with the enemy. He also discouraged a soldier who wanted to write a letter to a congressman about the incident. Even after a formal investigation began, there were further attempts to gloss over the seriousness of the crimes.

Politicians and public opinion seriously affected the uncovering and subsequent trial process. Shaken by the news of My Lai, many Americans wanted to dismiss the event as an instance in which soldiers had gone out of control, in a situation where combat stress was so high to fight against the invisible enemy. They simply wanted the problem to go away and forget it. Members of House Armed Service Committee actively sabotaged the prosecution. They held hearings, calling all the necessary prosecution witness, then placed a congressional security classification on the testimony, and refused to release it. This had a significant impact on the criminal trials because it prevented the prosecutors from calling the witnesses who had testified before the Committee using Jencks Act. As a result, the military court dismissed charges against eleven members of the company for lack of evidence.

Even Captain Medina escaped prosecution although evidence supported that he had actual knowledge that his soldiers killed unarmed civilian. Article 501, *FM 27-10* *The Law of Land Warfare of 1956*, recognizes the commanders responsibility by describing that,

The commander is responsible if he has actual knowledge, or should have knowledge, through reports received by him or through other means, that troops subject to his control are about to commit or have committed a war crime and he fails to take the necessary and reasonable steps to insure compliance with the law of war or to punish violators thereof.”

Based on that statement, the court should have prosecuted Medina. Moreover, the court

determined that there was no culpability in Captain Medina's chain of command, even though the task force commander, the brigade commander, and the division commander likely heard Thompson's radio message and had access to Thompson's written report of the incident. Finally, the court would not prosecute any soldier who followed the order to commit the atrocity although Article 509, The Law of Land Warfare defines obeying illegal order also constitutes war crime.

In the end, the court charged Lieutenant Calley with personally murdering 109 innocent civilians. According to Article 508, The Law of Land Warfare, the punishments imposed for a violation of law of war must be proportionate to the gravity of the offense. The court sentenced Lieutenant Calley to life in prison, however, he was pardoned by the president in November 1974.

In summary, there was a clear effort to cover-up the incident. Even after a formal investigation began, public and political support arguably adversely affected any chance of a fair, impartial investigation and trial. In the end, the court sentenced only one officer to prison.

In conclusion, the incident at My Lai had two significant contributors. The first is the lack of training for soldiers in how to deal with unconventional forces. This lack of training engendered hatred against all Vietnamese. Second, the command influence of body counts produced an environment where the death of any Vietnamese was positive. Lastly, the military failed to take the proper disciplinary actions that may prevent such actions in the future.

CHAPTER FIVE

IMPLICATION

Those who fail to learn from history are destined to repeat it.

Steven D. Danyluk

The purpose of this chapter is to analyze the common cause of the case studies discussed and to provide recommendations to assist the US Army to prevent further violations of the Law of Land Warfare.

First, in all three cases, the monograph argues that the US military forces did not receive the proper training to fight in an environment where the line between combatant and non-combatant was blurred. The adversaries understood they confronted a superior force and refused to fight conventionally. Instead, they employed asymmetric means to negate their weakness, which was guerrilla type or unconventional warfare. They used ambushes instead of movement to contact, infiltration instead of frontal attack, sought victory by eroding and exhausting the enemy instead of seeking destruction through engagement in set-pieced battle. They especially used the noncombatant as a source to engender chaos and confusion on the battlefield. Adversaries used women and children to lay mines, throw grenades and collect information. To exacerbate an already confusing situation, the adversaries disguised themselves as noncombatants and infiltrated US forces.

Conversely, the U.S. forces wanted to confront the enemy in a conventional way. As General Gay wanted, it would be easier for the U.S. Army to defeat the enemy if noncombatants were cleared in the AOR and could mass superior combat power against the enemy. However, It was not feasible to evacuate all noncombatants from the

battlefield. Because soldiers could not distinguish between combatant and noncombatant, they tended to mistreat noncombatants in their AOR, because they were racially and culturally indistinguishable from the enemy and they all had the possibility to become the enemy at any moment.

However, that was what the adversaries wanted the U.S. forces to do. The enemy could win the hearts and the minds of local population simply because the U.S. forces made more mistake and treated the locals more brutally than the enemy did. As one of the officer who served in Vietnam observed, “hatred was our enemy’s major instrument to turn the people against us ...Communist guerrillas usually drew retaliatory fire from our gunships and artillery by sniping at our aircraft, convoys or outposts. More often than not, it was the local people who were exposed to our fire because by the time it came, the guerrillas had fled or taken shelter underground.”

Nearly one hundred years after the Balangiga incident, the US Army continues to face the dilemma of winning hearts and minds of the local population where it operates, while pursuing the adversaries relentlessly. Noncombatants can and will continue to present challenges for the U.S. Army. Because the future of the US Army appears to be stability and support operations where noncombatants are always a concern, the US Army must recognize that dealing with noncombatants on the battlefield is not an aberration, but the norm; therefore, training must emphasize dealing with noncombatants because it is now and will be an element of future army missions.

Second, in all three cases, the command climates motivated the soldiers to commit the wrongdoing. There were several indicators that contributed to forming the negative command climates.

First indicator was the dehumanization of the local populations. The American officers and soldiers regarded the locals less than human. They often maltreated the locals. They ridiculed the local customs and joked local personalities as evil demigods. They made extremely provoking unit mottoes, which could not be accepted in a normal situation. Grossman observed that

It is so much easier to kill someone if they look distinctly different from you. If your propaganda machine can convince your soldiers that their opponents are not really human but are inferior forms of life, then their natural resistance to killing their own species will be reduced.

Second indicator was soldiers' shared desire for revenge. The recent loss of comrades can demoralize, and emotionally defeat soldiers. But in many circumstances it stimulates soldiers desire for retaliation. Groups can escalate the desire by providing a diffusion of responsibility. If a soldier feels he can get others to share his personal responsibility, he can easily commit acts such as lynching or shooting that they would never dream of doing as individuals.

The last indicator was the breakdown of small unit leadership. Leaders in an ill-disciplined unit could not take timely and proper disciplinary actions when their men committed battlefield misconduct. For example, Captain Medina was upset not because his soldiers raped and killed a woman but because it was known to the Vietnamese police. An ill-disciplined unit causes frequent non-combat related casualties. Captain Medina's Company could have avoided the incidents of booby trap and mine if the leaders had acted properly.

A commander has to understand that with proper conditioning and proper circumstances, almost anyone can and will kill. He needs to identify and take preventative measures for those indicators to prevent a tragedy from happening. Some

indicators include, subordinate unit violent motto, jokes among soldiers, beating prisoners, officers' and soldiers' statement for retaliation against friendly casualties, a breakdown in small unit leadership, etc.

Commanders need to establish positive command climate. Because the base of mission success in the military is obedience to orders, teaching soldiers to disobey illegal order will be counter productive. However, it is possible to emphasize that the indiscriminate killing of noncombatants without justification is murder and is illegal. One of the most effective step in preventing illegal acts by the troops is continued emphasis on the doing right things. If an order is of doubtful legality, they need to ask for clarification. In that sense the Marine Corps Nine Principles provide good example. Commanders need to get back briefing from his subordinate to ensure his order is understood correctly.

Lastly, the U.S. civilian and military leadership did not take proper disciplinary measures when the incidents took place. No matter what country a soldier serves, his job is ultimately about defeating the enemy and dying for their country. Soldiers are legally allowed to use violence to accomplish their mission. It makes the difference from any other profession. That is why the governing law for a soldier's act of service, which is the Law of Land Warfare, is also different from other laws. It exists to protect soldiers who perform his military duties lawfully and to punish those who violate it in order to eliminate unnecessary suffering.

There were examples where leaders were responsible for the incident, however, not held accountable for their actions or the actions of their soldiers. For example, facts showed that Captain Medina was in position to not only observe the incident at My Lai,

but also to halt the atrocity with an order. The monograph has provided other examples where leaders and soldiers involved in the unprovoked killing of noncombatants were never sent to trial, while others that went to trial, were acquitted. The only defendant that the court found guilty was Lieutenant Calley, and he was eventually paroled.

The monograph argues that soldiers must be punished according to the law. The consequences of an atrocity extend far from the center. In the information age, it is difficult to localize any war crime. A CNN camera will likely broadcast a war crime scene even before the military chain of command receives reports from his or her subordinates. Ill-discipline on the battlefield will damage the legitimacy of the mission, and may ultimately result in losing a war by a shift in public opinion toward opposition to involvement in a war.

To prevent atrocities from happening in the future, the U.S. Army needs to prepare its soldiers to deal with noncombatants within their AOR, the leaders need to build positive command climate and the U.S. military and civilian leadership need to take proper actions according to the law and set the example to prevent further violation. The Balangiga, No Gun Ri, and My Lai must not only be remembered, but they must be used as important lessons to prevent future incidents.

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1. Marines fight only enemy combatants
2. Marines do not harm enemy soldiers who surrender. Disarm them and turn them over to your superior.
3. Marines do not kill or torture prisoners

4. Marines collect and care for the wounded, whether friend or foe.
5. Marines do not attack medical personnel, facilities or equipment.
6. Marines destroy no more than the mission requires.
7. Marines treat all civilians humanely.
8. Marines do not steal. Marines respect private property and possessions.
9. Marines should do their best to prevent violation of the law of war. Report all violations of the law of war to your superior.

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